

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DOMINGO LEMUS,

Plaintiff,

-against-

MANHATTAN CAR WASH, INC., doing business as Manhattan Car Wash, **TENTH AVENUE BRUSHLESS CAR WASH, JONAH PARK**, individually and doing business as Tenth Avenue Brushless Car Wash and Manhattan Car Wash, and **YOUN DONG LEE**, individually and doing business as Tenth Avenue Brushless Car Wash and Manhattan Car Wash,

Defendants.

06 Civ. 15486 (MHD)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the declaration of Domingo Lemus, executed on May 28, 2009, and the exhibits attached thereto; the declaration of Scott A. Rosenberg, executed on May 29, 2009, and the exhibits attached thereto; the accompanying Memorandum of Law in support of this motion; and all the pleadings herein, plaintiff Domingo Lemus will move this Court, before the Hon. Michael H. Dolinger, United States Magistrate Judge, at 500 Pearl Street, New York, New York, 10007, in Courtroom 17D, on the 19th day of June, 2009, at 10 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order:

(a) granting permission, pursuant to Fed. R. Civ. P. 15(d), to file a supplemental complaint; and

(b) granting a default judgment, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vi), against defendant Jonah Park on the original complaint for unpaid minimum wages, overtime wages,

other wages, and liquidated damages in the amount of \$113,264.36, less \$20,000.00 that has been paid by the non-defaulting defendants, plus attorney's fees, costs, and expenses.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), any opposing answering affidavits and answering memoranda shall be served on or before June 12, 2009.

Respectfully submitted,

/s/ Scott A. Rosenberg

THE LEGAL AID SOCIETY
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